

EXHIBIT E

From: Daniel Rabinowitz <DRabinowitz@fenwick.com>

Sent: Monday, August 11, 2025 10:38 PM

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Subject: Bardy v. iRhythm - iRhythm's motion for leave

Counsel,

As we previously noted, iRhythm intends to move for leave to amend its counterclaims to add two patents that relate to the already-asserted patents in this case. These two patents will soon issue from U.S. Patent Appln. Nos. 19/212,547 and 19/212,582. The allowed claims and Notice of Allowance are attached. iRhythm plans to raise this issue with the Court during this week's status conference.

Good cause exists here because iRhythm intends to move as soon as the patents issue. iRhythm also believes that the addition of these patents in no way prejudices Bardy because claim construction has yet to commence and substantial completion of document production is not scheduled to end until October 2025. Regardless, the "good cause standard under Rule 16(b) hinges on the diligence of the movant, and not on prejudice to the non-moving party." *Cordance Corp. v. Amazon.com, Inc.*, 255 F.R.D. 366, 371 (D. Del. 2009).

Please provide your response to the above by tomorrow so that the parties can meet and confer on Wednesday, August 13 before the status conference as needed. Please also provide your thoughts on the below schedule iRhythm intends to present to the Court.

iRhythm will circulate a draft status report tomorrow to be sent to the court Wednesday ahead of the conference. We are not aware of any other issues for the status conference.

Best,
Daniel

Event	Current Deadline	Revised Deadline
Judge Wolson will conduct a telephonic status conference at 2pm ET to discuss the progress of the case	August 14, 2025	No change
Infringement contentions (new patents only)		August 29, 2025

Deadline for response to initial invalidity contentions and related invalidating references (original patents)	August 21, 2025	No change
Parties exchange list of claim terms/phrases for construction and their proposed constructions (original patents)	August 27, 2025	No change
Invalidity contentions (new patents only)		September 19, 2025
Deadline for response to initial invalidity contentions and related invalidating references (new patents)		September 26, 2025
Parties exchange list of any new claim terms/phrases for construction and their proposed constructions (new patents)		September 26, 2025
Deadline to file Joint Claim Construction chart (up to 10 terms/phrases) (all patents)	September 3, 2025	October 3, 2025
Deadline to serve opening Claim Construction briefs	September 24, 2025	October 10, 2025
Deadline to serve answering Claim Construction briefs	October 22, 2025	October 29, 2025
Substantial Completion of Document Production	October 26, 2025	No change
Deadline to serve reply Claim Construction briefs	November 5, 2025	November 12, 2025
Deadline to serve sur-reply Claim Construction briefs	November 19, 2025	No change
Deadline to file Joint Claim Construction brief	November 26, 2025	No change
Tutorial due		
Markman Hearing in Bardy case	January 15, 2026	No change

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